

## NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

3384. TB-1 tablets. U. S. v. 338 Bottles, etc. (F. D. C. No. 31055. Sample No. 17965-L.)

**LIBEL FILED:** April 11, 1951, Southern District of California.

**ALLEGED SHIPMENT:** On or about April 5, 1951, by Stanley Lindo and Co., for account of the Strand Pharmacal Corp., Los Angeles, Calif., consigned to Bangkok, Thailand.

**PRODUCT:** 338 bottles, each containing 100 tablets, and 54 bottles, each containing 1,000 tablets, of TB-1 at Long Beach, Calif.

**LABEL, IN PART:** "T-B RX Strand Brand of TB-1 Each tablet provides Para-Acetylamino Benzaldehyde Thiosemicarbazone 25 mg."

**NATURE OF CHARGE:** Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

**DISPOSITION:** May 2, 1951. Default decree of condemnation and destruction.

## DRUG REQUIRING CERTIFICATE OR RELEASE, FOR WHICH NONE HAD BEEN ISSUED

3385. Adulteration and misbranding of Dr. Merrick's Ear Canker Creme. U. S. v. 69 Cartons \* \* \*. (F. D. C. No. 30288. Sample No. 85882-K.)

**LIBEL FILED:** On or about December 6, 1950, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about October 6, 1950, from Brookfield, Ill.

**PRODUCT:** 69 cartons, each containing 1 tube, of *Dr. Merrick's Ear Canker Creme* at Dallas, Tex.

**LABEL, IN PART:** (Carton) "Dr. Merrick's Ear Canker Creme Active Ingredients: Aureomycin, Tyrothricin, 2 Mercaptobenzothiazole, Bismuth Subnitrate, Bismuth Subgallate \* \* \* Net Contents ½ Ounce."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess, namely (on display carton) "contains \* \* \* aureomycin," (on retail carton) "Active Ingredients: Aureomycin," and (on leaflet enclosed in retail carton) "Aureomycin and Tyrothricin \* \* \* By combining the two anti-biotics we obtain a very desirable synergistic action resulting in more effective curative action than when either Aureomycin or Tyrothricin is used separately," since the article contained an inconsequential trace, if any, of aureomycin.

Misbranding, Section 502 (a), the statements in the labeling of the article, which are quoted above in the adulteration charge, were false and misleading as applied to the article, which contained an inconsequential trace, if any, of aureomycin; and, Section 502 (1), the article purported to be and was represented as a drug composed in whole or in part of aureomycin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to the law.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 4, 1951. Default decree of condemnation and destruction.